

**LOCAL RULES**

**OF THE**

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF LOUISIANA**

May 8, 2012

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**PART I - COMMENCEMENT OF CASE; PROCEEDINGS  
RELATING TO PETITION AND ORDER FOR RELIEF**

**Rule 1001-1    Scope of Rules and Forms; Short Title**

- A.    **Defined Terms.** Definitions can be found in [Local Rule 9001-1](#).
- B.    These Local Rules will be known as the “Uniform Local Rules of the United States Bankruptcy Court for the Eastern District of Louisiana.” The Local Rules may be cited as “L.R. \_\_\_\_\_” or “Local Rule \_\_\_\_\_.”
- C.    These Local Rules govern proceedings in the Court in accordance with [section 105\(a\)](#) of the Bankruptcy Code and [FRBP 9029](#). The application of these Local Rules may be modified by the Court by General Order. A section of the court may modify the application of these Local Rules in any given case or proceeding in the interest of justice or generally through a Standing Order.
- D.    These Local Rules will be effective as of \_\_\_\_\_ (“Effective Date”).
- E.    All Local Rules issued by the Court prior to the Effective Date are repealed. The repeal of any prior rule will not affect any act done pursuant to, or obviate any act required by, any prior local rule. These Local Rules govern all cases filed on and after the Effective Date. They also apply to cases and proceedings pending on the Effective Date, except to the extent that the court finds they would not be feasible or would work an injustice.
- F.    Nothing in these Local Rules precludes the Court or sections of the Court from entering General, Administrative, or Standing Orders or guidelines to supplement these Rules.
- G.    The Court, by Standing or General Order, may adopt Local Rules Forms (“Local Forms”) for stated purposes. Local Forms must be used in their given format and with prescribed content unless deviations are separately identified by bold faced, 12-point type.

**Rule 1006-1    Filing Fee**

- A.    **Payment of Fees**
  - 1.    **Advance Payment Required.** The Clerk is not required to file any paper or render any service for which a fee is legally collectible unless the fee for the particular service is paid in advance or in installment payments authorized by court order. Filing fees for filings made remotely must be paid within forty-eight (48) hours.
  - 2.    **Untimely Payment.** Failure to pay timely a filing fee or other outstanding fees may result in the *sua sponte* striking of the filing, the dismissal of the case, or the loss, in whole or in part, of CM/ECF privileges for Electronic Filers.
  - 3.    Fees must be paid as provided in the [Administrative Procedures Manual](#).

## **B. Refund of Filing Fees**

1. Upon the filing of an *ex parte* application, the Clerk is authorized to issue refunds for the following without a court order:
  - a. Fees collected without authority;
  - b. Duplicate credit card payments;
  - c. Payments that result from a duplicate pleading erroneously filed through CM/ECF; or
  - d. Fees collected due to the Clerk's administrative error.
2. All other requests for refunds must be made by *ex parte* motion for judicial determination.
3. If a party filed a document for which a fee should be charged but that the manner of filing did not automatically trigger a fee notification, the Clerk may, without an order, administratively correct the filing and collect the fee.

## **Rule 1007-1 Extension of Time for Filing Lists, Schedules, and Statements**

By *ex parte* motion, a debtor may request a single extension of the time for filing schedules and statements pursuant to [FRBP 1007\(c\)](#). The motion must be filed before the original filing deadline and it must disclose the original deadline, the date of the [section 341\(a\)](#) meeting of creditors, and the reason for the requested extension.

## **Rule 1007-2 Mailing Matrix and Amendments to Mailing Matrix**

- A. Voluntary petitioners must file a complete mailing matrix containing the correct name and address of all known creditors and other parties in interest. In the case of an involuntary petition, the debtor must file a complete mailing matrix containing the correct name and address of all known creditors and other parties in interest within fourteen (14) days of entry of an order for relief in the case.
- B. A schedule amendment by the debtor or trustee adding or deleting creditors must be accompanied by an amended mailing matrix reflecting the additions or deletions. The amended mailing matrix must be titled "Amended Mailing Matrix," be dated, and it must specify whether the amendment adds or deletes creditors or corrects address information. The Amended Mailing Matrix must include only names and addresses of the creditors affected by the amendment.
- C. The debtor or trustee may change a creditor's address by filing an Amended Mailing Matrix. Amendment of the schedules for this purpose is not required.

**D. Notice**

1. If an amendment adding a creditor to the mailing matrix occurs prior to the meeting conducted under [11 U.S.C. § 341\(a\)](#), debtor must give notice to the added party at least twenty-one (21) days prior to the meeting.
2. If the amendment occurs after the meeting conducted under [11 U.S.C. § 341\(a\)](#) or with less than twenty-one (21) days notice of the meeting, the debtor must file an *ex parte* motion to amend and serve the motion on trustee, trustee's counsel, unsecured creditors' committee and its counsel, United States Trustee, and the parties affected by amendment.
3. If the amendment occurs before the last date to file proofs of claim and object to discharge or dischargeability:
  - a. No motion is necessary if the amendment is filed twenty-eight (28) days or more before the bar date or deadline to object to discharge and dischargeability and twenty-one (21) days prior to the meeting conducted under [11 U.S.C. § 341\(a\)](#).
  - b. Debtor must file an *ex parte* motion requesting permission to amend and to extend applicable deadlines if the amendment is filed less than twenty-eight (28) days before the last date to file proofs of claim or object to discharge or dischargeability.

- E. If a motion to amend adding a creditor is granted after the deadlines to object to discharge, dischargeability, or the bar date, the bar date for filing proofs of claims and the deadlines to object to discharge or dischargeability are automatically extended as to the added party twenty-eight (28) days from the entry of the order granting amendment. The debtor must notice the added party with the extended deadlines and file a certificate of service.

**Rule 1008-1 Verification of Petitions and Accompanying Papers**

- A. Within seven (7) days after filing the petition, the debtor must deliver to the Clerk an original [Declaration Regarding Electronic Filing](#). The Clerk must retain all original Declarations Regarding Electronic Filing.
- B. The declarant must attest to the following, under penalty of perjury:
1. I am the debtor in this case; or **[If the debtor is a corporation, partnership or limited liability company]** I am a representative of the debtor and I am authorized to sign this declaration on behalf of the debtor;
  2. I have authorized my attorney to file electronically documents in this case and any proceeding related to this case, or **[If the debtor is not represented by an attorney]** I will file documents on my own behalf in this case or any proceeding related to this case;



3. My electronic signature on any document bearing a signature designation (“s/\_\_\_\_”) filed in this case or any proceeding related to this case is my signature for all purposes authorized or required by law, and my electronic signature on such documents has the same effect as my signature on the original document;
  4. The image of my signature on any document bearing my original signature is my signature for all purposes authorized or required by law; and
  5. **[If the debtor is not represented by an attorney]** I agree that I will retain all original, signed documents filed in this case or any proceeding related to this case for five (5) years after the closing of the case or proceeding in which the documents are filed. I agree that I shall provide a self-addressed, stamped envelope with any original document that I send by mail to the Clerk for entry in the court’s electronic filing.
- C. If the debtor is represented by counsel, the attorney must attest to the following:
1. I am the attorney for the debtor;
  2. The debtor or representative of the debtor signed this declaration; and
  3. I acknowledge and accept the responsibility to maintain all original, signed documents filed in this case or any proceeding related to this case for five (5) years after the closing of the case or proceeding in which the documents are filed.

See [Declaration Regarding Electronic Filing](#) and [Local Rule 9011-1](#).

**Rule 1009-1 Amendments to Schedules, Statements, and Mailing Lists; Change of Address**

Amendments to schedules, the Statement of Financial Affairs, [Official Form B22](#), or other documents must be noticed to the entire mailing matrix with a statement describing the changes proposed as well as the reason for amendment. Amendments to schedules which add or delete a creditor must be by motion to amend and may be *ex parte* if proper notice is made on all parties affected.

**Rule 1013-1 Disposition of Involuntary Petition**

- A. After filing an involuntary petition, the filing party must notify chambers of the filing as soon as possible.
- B. If there is an objection to an involuntary petition, the objector must contact chambers to request a special setting on the contested matter.

## **Rule 1015-1 Joint Administration/Consolidation/Related Cases**

- A.** Related cases are cases where assignment to a single judge would promote efficient administration of the estates and avoid conflicting or inconsistent rulings. Related cases include, but are not limited to:
1. Identical individuals or entities, *e.g.*, d.b.a.'s;
  2. A corporation and any major shareholder thereof;
  3. Affiliates;
  4. A partnership and any of its general partners;
  5. Two or more general partners;
  6. Husband and wife; and
  7. Entities having substantial identity of financial interest or assets.
- B. Notice of Related Cases.** In the event of related bankruptcy cases, the debtor in the later case must file a notice of related case(s) at the time of filing the petition for relief, and must serve a copy of the notice upon the United States Trustee. The notice must list the name, filing date, and case number of the pending related cases, and any previously filed and closed cases.
- C. Transfer**
1. The court, on its own motion or upon the motion of a party in interest, may order a case transferred to another bankruptcy judge based on the court's determination as to whether a case is related and whether the transfer will promote the efficient administration of the estate or avoid inconsistent or conflicting rulings.
  2. Upon the filing of a related chapter 11 case, counsel must file an *ex parte* motion to transfer case to the section of the Court in which the previously filed related case is or was pending.
  3. Upon filing of a related case in chapter 7, 12 or 13, the Clerk will automatically transfer the case to the section of the Court in which the previously filed related case is or was pending.
- D. Procedure.** A motion by a party in interest to transfer a case or cases must be filed in the section of the Court in which the later case was filed and be served on all debtors and trustees appointed in the related cases.

- E. A motion for administrative consolidation must request that if the motion is granted, the Clerk trigger a special event code requiring a filer to designate the applicable case for any document filed.
- F. Subject to the foregoing, the Clerk will randomly allot all cases filed in this Court by chapter to ensure an equal division of cases.

## **Rule 1017-1 Dismissal or Conversion**

### **A. Chapter 7 Cases**

- 1. **Non-Debtor's Motion.** A motion to dismiss or convert filed by a non-debtor in a Chapter 7 case must be noticed for hearing pursuant to [Local Rule 9013-1](#) and be served on the debtor, the trustee, trustee's counsel, and the entire mailing matrix. If no opposition is filed within seven (7) days of the hearing, the court may grant the relief without hearing.
- 2. All motions to dismiss must comply with [Local Rules 9013-1](#), [9013-2](#), and [9014-1](#).
- 3. **Debtor's Motion**
  - a. In a motion to dismiss filed by a debtor represented by counsel, the motion must recite that counsel has advised the debtor of the consequences of dismissal.
  - b. A debtor's conversion from Chapter 7 to 11, 12 or 13 may be by *ex parte* motion, if the case was not previously converted under 11 U.S.C. §§ 1112, 1208, or 1308, and the motion to convert was served on trustee, trustee's counsel, and the entire mailing matrix seven (7) days prior to the submission of the order of conversion.

### **B. Chapter 13 Cases**

- 1. **Non-Debtor's Motion.** A motion to dismiss or convert filed by a non-debtor in a chapter 13 case must be noticed for hearing pursuant to [Local Rule 9013-1](#) and be served on the debtor, the trustee, trustee's counsel, and the entire mailing matrix. If no opposition is filed within seven (7) days, the court may grant the relief without hearing.
- 2. **Debtor's Motion**
  - a. **Dismissal**
    - i. A debtor may move to dismiss his case pursuant to [11 U.S.C. § 1307\(b\)](#) by *ex parte* written motion. It must be served on the trustee, trustee's counsel, and the entire mailing matrix. If no opposition is filed within seven (7) days, the court may grant the relief without hearing.

- ii. Written motions by debtors to dismiss chapter 13 cases must recite whether the case has been converted previously pursuant to [11 U.S.C. §§ 706, 1112, or 1208](#).
- b. **Conversion.** The debtor may file an *ex parte* motion to convert to a chapter 7 matter on seven (7) days prior notice to the trustee, trustee's counsel, and the entire mailing matrix. If no opposition is filed within seven (7) days, the court may grant the relief without hearing.
- 3. **Court's Motion.** The Court may *sua sponte*, without notice and hearing convert or dismiss a case for failure to pay timely filing fees or failure to file timely a certificate of credit counseling, schedules, statement of financial affairs, pay advices, social security statement, or any other documentation required by the Bankruptcy Code or FRBP.
- 4. If the motion to dismiss is filed after the bar date in a chapter 12 or 13 case, the standing trustee need only give notice to debtor, debtor's counsel, and creditors who have filed timely proofs of claim.

#### C. Chapter 11 cases

- 1. All motions to dismiss or convert a chapter 11 case, must be filed on twenty-one (21) days notice. Notice of the dismissal or conversion must be served upon the trustee and his counsel (if applicable), the United States Trustee, and the entire mailing matrix. If no timely objection is filed pursuant to [Local Rule 9013-1\(E\)](#), the court may grant the relief without hearing.
- 2. Notwithstanding the provisions of section 1 above, if the motion to dismiss is filed after the bar date in a chapter 11 case, notice may be limited to the United States Trustee, the trustee and his counsel (if applicable), all members of official committees and their counsel, the debtor, the debtor's counsel, known administrative claimants who have filed timely proofs of claim and those creditors not scheduled as disputed, contingent or unliquidated.

See [Local Rule 2002-1\(E\)](#).

### PART II - OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATION; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

#### Rule 2002-1 Service of Pleadings; Notice to Creditors; *Ex Parte* Motions

##### A. Service of Pleadings and Notices of Hearings

- 1. Upon the request for relief, service of all pleadings, filed documents (except certificates of service), and notices of hearing (if applicable) must be made in accordance with [FRBP 2002](#).

2. The following pleadings must be served on the entire mailing matrix unless notice is limited by the court pursuant to a motion to limit notice:
  - a. Motions for extension of the automatic stay (*see* [Local Rule 4001-2](#));
  - b. Motion to assume or reject a lease or executory contract (*see* [Local Rule 2002\(A\)\(4\)](#));
  - c. Motion for approval of the budget proposed by an individual debtor in a chapter 11 case (*see* [Local Rule 4002-1\(D\)\(1\)](#));
  - d. Application for compensation (*see* [Local Rule 2014-1](#) and [2016-1](#));
  - e. Application for employment of professional (*see* [Local Rule 2014-2](#) and [9013-1\(D\)\(3\)](#));
  - f. Motion for approval of post-petition financing (*see* [Local Rule 4001-3](#));
  - g. Request for allowance of superpriority or administrative claims;
  - h. Motion to approve employment or compensation to insiders (*see* [Local Rule 4002-1](#));
  - i. Motion to pay pre-petition claims;
  - j. Motion to modify plan (*see* [Local Rule 3015-2](#));
  - k. Disclosure statement or objection to disclosure statement (*see* [Local Rule 3015-1](#), [3016-1](#)); and
  - l. Plan of reorganization or objection to plan of reorganization (*see* [Local Rule 3015-1](#), [3015-3](#), [3015-4](#), [3018-1](#)).
3. Debtor's motions filed as "first day motions" must be served on the entire mailing matrix unless notice is limited by the court pursuant to a motion to limit notice. The debtor must serve the following parties by either electronic or facsimile transmission immediately upon filing:
  - a. The United States Trustee;
  - b. All secured creditors;
  - c. The twenty (20) largest unsecured creditors;
  - d. Known administrative claimants;

- e. Priority claimants; and
  - f. Any party requesting notice.
4. Motions for Relief from Stay, to Assume or Reject Executory Contracts or Unexpired Leases, for Adequate Protection, and to Sell, Use, Lease, or Encumber Property of the Estate
- a. At a minimum, the debtor must serve the following persons with the motions, all attachments, and the notice of hearing:
    - i. **Chapter 7 Cases.** The debtor, debtor's counsel, any co-obligor or guarantor, the trustee, trustee's counsel, the Office of the United States Trustee, administrative and priority claimants, and any other party holding a security interest upon or claiming an interest in the property, lease, or contract against which the movant seeks relief.
    - ii. **Chapter 11 Cases.** The debtor, the debtor's attorney, any co-obligor or guarantor, any official creditors' committee and its counsel, the twenty (20) largest unsecured creditors if no official unsecured creditors' committee has been designated, the Office of the United States Trustee, administrative and priority claimants, the trustee and trustee's counsel, if any, and any other party holding a security interest upon or claiming an interest in the property, lease, or contract against which the movant seeks relief.
    - iii. **Chapter 12 and 13 Cases.** The debtor, debtor's attorney, any co-obligor or guarantor, the trustee, trustee's counsel, the Office of the United States Trustee, and any other party holding a security interest upon or claiming an interest in the property, lease, or contract against which the movant seeks relief.
  - b. In chapter 7 and 11 cases, any party filing an opposition or response to the foregoing motions must serve:
    - i. Movant's counsel;
    - ii. The debtor and debtor's counsel;
    - iii. The trustee and trustee's counsel;
    - iv. Any co-obligor or guarantor;
    - v. The Office of the United States Trustee;

- vi. Any other party holding a security interest upon or claiming an interest in the property, lease or contract;
  - vii. Priority and administrative claimants;
  - viii. Any official creditors' committee and its counsel; and
  - ix. If no official unsecured creditors' committee has been appointed, the twenty (20) largest unsecured creditors.
- c. In chapter 12 and 13 cases, any party filing an opposition or response to the motion must serve:
  - i. Movant's counsel;
  - ii. The debtor and debtor's counsel;
  - iii. The trustee and trustee's counsel;
  - iv. Any co-obligor or guarantor;
  - v. The Office of the United States Trustee; and
  - vi. Any other party holding a security interest upon or claiming an interest in the property, lease or contract;

See [Local Rule 2002\(A\)\(2\)\(b\)](#).

## **B. Method of Service or Notice**

### **1. Electronic Service or Notice**

- a. Service of pleadings or notices of hearing by electronic notice to Electronic Filers is the equivalent of service upon such party by first class mail, postage prepaid. Notice by electronic means is complete on transmissions under [FRBP 9036](#). Therefore, service upon Electronic Filers by United States Mail or other method is not required unless the Notice of Electronic Filing indicates that the CM/ECF system did not serve notice of the filing event upon the Electronic Filer.
- b. Notwithstanding the foregoing, service of process of a summons or complaint under [FRBP 7004](#), or the service of a subpoena under [FRBP 9016](#) may not be made by electronic means.
- c. Unless otherwise specified, service of a paper copy of a pleading is not required if service of the pleading to the party is through electronic notice.





3. The United States Trustee;
4. All applicable taxing authorities;
5. All known administrative or priority creditors;
6. All secured creditors;
7. Counsel for all official committees, if any, in a chapter 11 case, and if there is no unsecured creditors' committee, the twenty (20) largest unsecured creditors; and
8. All persons or entities noted on the docket (or otherwise reasonably ascertainable) as having entered an appearance and/or requesting further noticing; provided however, the elimination of any such entities on account of their having been terminated as interested parties or otherwise having concluded their interest will be left to the noticing entity, subject to due process considerations.

**E. Motion to Limit Notice of Hearing**

1. A request to limit service of notice of hearing may be by *ex parte* written motion. The motion must be served on all parties identified on the mailing matrix and include a form to request special notice and directions for its return.
2. Request for limited notice may not be made for the following:
  - a. Initial hearing on the approval of disclosure statement;
  - b. Initial hearing on the confirmation of a plan of reorganization;
  - c. Initial hearing on or request to dismiss an objection to discharge under [section 727](#);
  - d. Dismissal of a case (*see* [Local Rule 1017-1](#));
  - e. Notice of effective date;
  - f. Notice of bar date;
  - g. Objection to debtor's discharge or request for hardship discharge (*see* [Local Rule 4007-1](#)); or
  - h. Notice of the meeting of creditors (*see* [Local Rule 2003-1](#)).

**F. Notices to the United States and State of Louisiana**

1. The Clerk will not automatically add to the mailing matrix any governmental agency, including the Internal Revenue Service, the United States Department of Justice, the United States Department of Labor, the Louisiana Department of Revenue or the Louisiana Department of Labor.
2. For ease of reference and without warranty of accuracy, the Clerk must post a list of taxing authorities throughout the state on its website.
3. In the event that the United States of America or any agency thereof is listed as a creditor, the debtor or debtor in possession must include on the mailing matrix the name of the agency in care of the United States Attorney for the district in which the case is filed and also the name of the agency at its local field office address. This rule supplements, and in no way modifies, the notice requirements of [FRBP 2002\(j\)](#).

**G. Objections to Claim**

1. A claimant who files a proof of claim consents to service of any objection to that proof of claim on the party signing the proof of claim at the address listed for notice on the proof of claim. By filing the proof of claim, the claimant acknowledges that the signing party and address for noticing belongs to its representative agent for service of process.
2. Counsel for claimant may file an amendment to attach an additional address for notices of objection. If an attachment is filed prior to noticing of the objection, counsel must be noticed.

- H. *Ex Parte Motion.*** Notice of an *ex parte* motion must follow the requirements for notices of hearing and the procedures for granting relief, other than the setting of a hearing. The notice must provide that if an opposition is filed, a hearing will be noticed by the court. *See [Administrative Procedures Manual](#).*

**Rule 2003-1 Meeting of Creditors**

- A. The United States Trustee will schedule a date and time for the meeting of creditors pursuant to [section 341](#) within forty-eight (48) hours of the filing of a petition for relief. The Clerk will provide notice to all creditors listed on the mailing matrix of the filing of the petition for relief, the meeting of creditors, the deadline to object to discharge, dischargeability and exemptions, and the deadline to file claims.
- B. Requests to reschedule meetings of creditors or for a debtor to appear through an authorized representative must be made to the case trustee. The request to reschedule must be filed electronically in the case record when the request is transmitted to the United States Trustee.

1. The United States Trustee must promptly file a notice of his decision regarding requests to reschedule or allow a representative to appear on behalf of a debtor:
  - a. If the United States Trustee grants the request to reschedule the meeting of creditors, the notice of decision must specify the date and time of the rescheduled meeting. The debtor must serve the Notice of Rescheduled Meeting on all persons on the mailing matrix and the case trustee.
  - b. In the event the United States Trustee denies a request to reschedule a meeting or for a debtor to appear through a representative, the debtor may move the court for relief.
2. A motion pursuant to [FRBP 2020](#) for review of the United States Trustee's denial of a request to reschedule a meeting of creditors or allow appearance through an authorized representative must comply with [Local Rule 9013-1\(a\)](#). The motion must be filed no later than two (2) days after the movant's receipt of notice of denial.
3. Filing a motion for review of the United States Trustee's decision does not excuse a debtor from attending the meeting of creditors.
4. In cases under chapters 7, 12, and 13, if the debtor's request to reschedule the [section 341\(a\)](#) meeting of creditors is granted, the following deadlines are automatically extended:
  - a. In chapter 13 cases, the bar date for filing claims - ninety (90) days after the conclusion of the rescheduled section 341(a) meeting of creditors;
  - b. The deadline for objection to discharge or dischargeability - sixty (60) days after the conclusion of the rescheduled section 341(a) meeting of creditors;
  - c. The deadline for filing motions for dismissal under sections 707(a) or (b) - sixty (60) days after the conclusion of the section 341(a) meeting of creditors; and
  - d. The time for filing objections to claims of exemptions - thirty (30) days after the conclusion of the section 341(a) meeting of creditors.

See [Request to Reschedule and Instructions \(http://www.justice.gov/ust/r05/reg\\_info.htm\)](http://www.justice.gov/ust/r05/reg_info.htm).

## **Rule 2004-1    Rule 2004 Examinations**

### **A.    Requests for Examination under FRBP 2004**

1.    Leave to conduct an examination pursuant to [FRBP 2004](#) may be sought by *ex parte* motion on ten (10) days notice or shorter if by consent, unless otherwise ordered.
2.    Before filing a motion for examination pursuant to [FRBP 2004](#), the movant must confer with counsel for the person to be examined (or the person to be examined, if the examinee is not represented by counsel) to agree on a date, place, and time for the examination. The movant is not required to confer with opposing counsel or the examinee if the movant has reasonable cause to believe that the witness will absent himself from the court's jurisdiction or attempt to evade service.
3.    Motions for examination must include:
  - a.    A statement that the parties conferred as required by section (2) of this Local Rule and that all parties have agreed to the date, time, and place of examination and to the production of any documents movant has requested;
  - b.    The reasons the parties could not confer;
  - c.    A statement that the parties conferred but were unable to reach an agreement;  
or
  - d.    The reasons movant believes that the proposed examinee either will leave the court's jurisdiction or attempt to evade service.
4.    Except as otherwise ordered by the court, motions pursuant to [FRBP 2004](#) must be served upon the examinee, the debtor, debtor's counsel, all counsel of record, the trustee, trustee's counsel, counsel for all official committees (or the twenty (20) largest unsecured creditors if an unsecured creditors' committee has not been formed), and the United States Trustee.

### **B.    Objections**

1.    If the movant has reason to believe that the motion is contested, the motion for 2004 examination should be filed and set for hearing. A person objecting to a proposed [FRBP 2004](#) examination filed by *ex parte* motion must file an objection at least three (3) days before the proposed examination, unless the motion for examination is filed fewer than three (3) days before the proposed examination.

2. The party opposing the motion for 2004 examination must notice the objection for hearing prior to the date of the 2004 examination. Counsel must contact chambers for a special setting. See [9013-1\(C\) and \(E\)](#).
3. The movant must submit a proposed order providing that the examination will proceed at the agreed time and place, or at a requested time and place if the parties have not reached an agreement. If applicable, the proposed order must specify documents to be produced and the date, time, and place of production.

See [Local Rule 9013-1\(D\)](#).

## **Rule 2014-1 Admission to Practice; Applications for Employment**

### **A. Admission to Practice**

1. **Eligible Attorneys.** Every member of the bar of the United States District Court for the Eastern District of Louisiana in good standing is entitled to practice before this court.
2. **Attorney Representation.** Any party not appearing in proper person must be represented by a member of the bar of this court, except as set forth below.
3. **Visiting Attorneys.** Any member in good standing of the bar of any court of the United States or of the highest court of any state may be permitted to appear and participate in a case or proceeding upon written *ex parte* motion. The motion must attach a certificate by the presiding judge or clerk of the highest court of the state, or court of the United States, where the applicant has been admitted to practice evidencing admission in such court and good standing. If the applicant has been convicted of a felony or has previously been subject to any disciplinary proceedings, the applicant must set forth the full details of those proceedings or charges, the status, and results. Unless otherwise ordered by the court, it is not necessary for any attorney entitled to practice before the court or permitted to appear and participate in a case or proceeding to associate with or to designate an attorney with an office in this district.
4. **Familiarity with and compliance with Rules.** Everyone who appears in court in proper person and every attorney permitted to practice in this court must be familiar with these rules. Failure to comply with any rule may be cause for disciplinary action.

### **B. Applications to Employ**

1. Applications to employ professionals must include in the body of the application the rate of compensation requested and any facts that may call disinterestedness into question.

2. All applications must include an affidavit of disinterestedness by the person or firm seeking employment. Any potential adverse disclosures regarding disinterestedness must be put in the body of the application.
3. Applications for employment may contain a request for interim relief pending final hearing. A request for interim employment may be filed *ex parte* on seven (7) days notice to the United States Trustee, all known secured and priority claimants, and the twenty (20) largest unsecured creditors. If opposed, the opponent must file a written objection and set the opposition for hearing on an expedited basis after contacting chambers for a hearing date. An application for final approval of employment requires twenty-one (21) days notice to all persons on the mailing matrix and the United States Trustee. See [Local Rule 9013-1\(C\)](#) and [\(E\)](#).
4. A General Order will govern the approval of employment, compensation, and scope of duties required by debtor's counsel on the initial filing of a chapter 13. If counsel is not employed under the General Order, counsel must apply for employment and compensation under Local Rule 2014-1. See [General Order 2011-1](#) and [Local Rule 2002-1](#).

**C. Withdrawal of Counsel**

1. Counsel represents the party for whom he/she appears unless the court permits withdrawal from the case. Counsel may request permission to withdraw on joint motion to substitute counsel or on a written motion served on opposing counsel, parties entitled to notice, and the client. The motion to withdraw may be filed *ex parte* if the client has consented to withdrawal and a motion to substitute counsel is pending. If substitute counsel has not been obtained or the client has not consented to withdrawal, the motion to withdraw must be set for hearing after twenty-one (21) days notice. The motion to withdraw must contain the present address of the client and the client's telephone number.
2. The motion must be served on the client, opposing counsel, and parties entitled to notice and must contain a statement that the client has been notified of all deadlines and court dates. The letter informing the client of deadlines must be attached as an exhibit. If counsel is unable to so certify, counsel must submit an affidavit stating why service has not been made.
3. The motion may be denied in the discretion of the presiding judge.

**D. Electronic Filing.** Attorneys appearing in the Court must obtain an electronic filing password pursuant to [Local Rule 5005-1](#). Acceptance of an electronic password constitutes an attorney's agreement to file documents electronically and consent to electronic service of notices of filing from the Clerk. Acceptance of an electronic password constitutes a waiver of notice by first

class United States Mail, including notice of the entry of an order or judgment under [FRBP 9022](#), except as otherwise provided by the Bankruptcy Code, FRBP or court order. This Local Rule does not apply to service of summons and complaint under [FRBP 7004](#) and [9016](#) or service of subpoena.

*See* [Local Rule 2002-1\(A\)\(2\)](#) and [2014-2](#) and [Application for Attorney Password for Electronic Case Filing](#).

#### **Rule 2014-2    Employment of Trustee as Attorney or Accountant for the Estate**

- A.    The provisions of [Local Rule 2014-1](#) govern the employment of trustees as professionals of the estate.
- B.    In addition, the application to employ should provide specific reasons and facts supporting a representation that outside counsel is not available, appropriate, or that hiring the trustee as a professional is of greater benefit to the estate.

*See* [Local Rule 2002-1\(A\)\(2\)](#).

#### **Rule 2016-1    Award of Attorneys' Fees**

- A.    A request for attorneys' fees must comply with [Local Rules 9013-1](#). In addition, it must include the following:
  - 1.    A title stating whether it is the first, second, etc., or final application for compensation and on whose behalf it is filed;
  - 2.    The date the petition for relief was filed;
  - 3.    The date the court authorized the employment of the applicant;
  - 4.    Any retainer received by the applicant;
  - 5.    The date of and amount of compensation approved in any prior request;
  - 6.    A list, if any, of extraordinary circumstances involved in the case;
  - 7.    The period covered by the request;
  - 8.    The amount requested for legal services;
  - 9.    The amount requested for expenses;
  - 10.   A breakdown of the fees and costs by type of service, in 1/10ths of an hour with no consolidation of time;

11. The work performed and the results obtained;
  12. If the work precluded employment by others; and
  13. If the work required any particular expertise or was undesirable.
- B.** The applicant must attach the following exhibits to the request:
1. A listing of all time for which compensation is requested, whether it be attorney, paralegal, or law clerk; the amount of time devoted to the case on each date; and the legal services performed in that time.
  2. For applications of greater than \$10,000.00, a summary sheet that reflects the amount of total time spent and its value for each attorney, law clerk or paralegal requesting compensation.
  3. A summary sheet that itemizes all expenses, including copies, telephone charges, courier services, witness fees, postage, mileage, etc.
- C.** Requests for fees of less than \$1,000.00 can be made by *ex parte* motion, with twenty-one (21) days notice.
- D.** A fee application should include a summary of all previous fees awarded by date and amount (including any fees approved in connection with the initial representation) as well as a description of the services performed for those fees.
- E. Request for additional fees in a chapter 13 case**
1. If a fee application for legal services includes the filing of pleadings, the application should describe the pleading(s) filed, if opposition was filed, if a hearing was required, and if so, when it was held as well as the results obtained. General descriptions of pleadings should be avoided.
  2. If applicable, a fee application should include the docket numbers of any pleadings filed and for which compensation is requested; if relevant, the docket numbers for any pleadings in opposition to the original effort for which compensation is requested and the resulting order.
- F.** A fee application should contain a statement as to any benefits received by the person required to satisfy the proposed fees. Applications that do not include the above described information may be denied or set for hearing for failure to follow proper procedures.

See [Local Rule 2002-1\(A\)\(2\)](#) and [sample Ex Parte Application for Compensation](#).



# **PART III - CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS**

## **RULE 3001-1 Proof of Claim**

Every proof of claim secured by real property shall include all outstanding escrow charges owed as of the petition date and be calculated:

- A.** The actual escrow balance as of the petition date must be itemized in the proof of claim. Creditors are required to disclose the last year's disbursement for escrowed property taxes and insurance premiums as well as the date of last payment.
- B.** To calculate the past due escrow amounts, the prior year's disbursements should each be divided by 12 then multiplied by the number of months between the date of last payment and the petition date. The sum of these amounts, plus two months worth of escrow payments as allowed by RESPA, should then be subtracted from the actual escrow balance existing on the petition date. If the difference is a negative number, the sum should be reflected on the proof of claim as the total past due. If the difference is a positive number, it should be noted as a credit against other sums owed.
- C.** The calculations should appear on the face of the proof of claim:

Escrow charges	Amount	Date paid	Mo amt	Mos to petition date	Total due
Hazard Ins	\$A	X/X/XX	$A/12=M$	$X/X/XX\text{-}Petition\ date=N$	$M*N$
Flood Ins	\$B	X/X/XX	$B/12=O$	$X/X/XX\text{-}petition\ date=P$	$O*P$
Taxes	\$C	X/X/XX	$C/12=Q$	$X/X/XX\text{-}Petition\ date=R$	$Q*R$
Total			S		T

- 1.** The two (2) months worth of escrow payments allowed under RESPA are calculated:  
 $[(A + B + C)/12 ] \times 2 = U$ .  $U + T = \text{Past Due Escrow Payments}$ .
- 2.** The actual escrow balance on the petition date minus the Past Due Escrow Payments ( $U + T$ ) = the escrow balance on proof of claim.
- 3.** The debtor's postpetition escrow account should begin with a balance equal to the Past Due Escrow Payments ( $U + T$ ).
- 4.** The new monthly postpetition escrow payment ("S") should be added to postpetition installments of principal and interest beginning on the first due date following the petition date.

- D.** The proof of claim should itemize only the interest and principal components of all prepetition past due installments. Any amounts held in debtor's suspense, as well as all other outstanding fees, costs, and charges, should be separately itemized.

#### **RULE 3007-1 Claim Objections**

Unless otherwise ordered by the presiding judge, the following procedures apply to all claim objections:

- A.** Claim objections may be noticed for hearing as contested matters pursuant to [Local Rule 9013-1](#), subject to [FRBP 3007\(a\)](#). The court may convert the matter to an adversary proceeding.
- B.** A claim objection must attach a copy of the proof of claim and documentary evidence to support the objection.
- C.** Objections to secured claims must be made by separate motion when based on the value of the collateral or validity of a lien as to property of the estate. Objections to a lien must be supported with credible evidence as to value. Proposed plans of reorganization in chapters 12 and 13, may not include a challenge to the validity of a creditor's lien or the value of its collateral. Liens in chapters 12 and 13 will not be avoided based on lack of equity until the successful conclusion of the debtor's plan; however, upon objection, the debtor may obtain an order of the court treating the claim as unsecured or partially secured for distribution purposes pending completion of the case.
- D.** An unopposed claim objection may be granted without hearing if accompanied by an affidavit stating the material facts supporting the objection. If a hearing is required, counsel must present evidence in the form of affidavits, testimony, or authenticated documentary evidence to support the objection.
- E.** For opposed claim objections, the initial hearing will be treated as a status conference (without evidence) to set appropriate pretrial deadlines and a trial date.
- F.** No more than three (3) individual claim objections may be set for hearing in the same case on motion day. No evidence other than that originally attached to the objection will be taken on motion day.
- G.** Service of objections to claim filed as motions must be made in accordance with [Local Rule 2002-1](#).

## **RULE 3015-1 Disclosure Statements and Plans of Reorganization**

- A.** In cases under chapter 11, copies of the entire plan proposed for confirmation and the approved disclosure statement, if applicable, must be served by the proponent on the entire mailing matrix.
- B.** In chapter 13 cases, when a proposed plan of reorganization is filed with the petition, the Clerk will issue a notice that will include a copy of the proposed plan. If the plan is not filed with the petition, the debtor must serve a copy of the entire plan on the mailing matrix at least twenty-eight (28) days prior to the first confirmation hearing. A summary of a plan may not be substituted for the entire plan. Notwithstanding the above, the proposed plan must be filed and served on the chapter 13 trustee at least fourteen (14) days prior to the meeting conducted under 11 U.S.C. § 341(a). *See* [Local Rule 3015-4](#), [sample Chapter 13 Plan](#), [Liquidation Analysis](#), [Pre-confirmation Affidavit](#), and [B22 Reconciliation](#).
- C.** The proponent of a proposed disclosure statement or chapter 11 plan must contact chambers upon filing. The court will issue orders setting hearings on requests for approval of chapter 11 disclosure statements and plans, but service of the orders must be made by the proponent.
- D.** Objections to disclosure statements or plan confirmation must be filed in writing and served on the plan proponent, debtor, debtor's attorney, the trustee, trustee's counsel, and counsel for any official committee (or the twenty (20) largest unsecured creditors if no official unsecured creditors' committee has been appointed) no later than seven (7) calendar days prior to the hearing on the disclosure statement or confirmation in accordance with [Local Rule 2002-1](#), unless otherwise ordered by the court.

## **RULE 3015-2 Modifications or Amendments of Plans of Reorganization**

### **A. Prior to Confirmation**

- 1.** A motion to amend plan must be filed with any amended proposed plan in chapters 12 and 13. The motion must specify the terms being amended and the effect of the amendment on creditors.
- 2.** In cases under chapters 11, 12, and 13, an amended plan must be filed no later than five (5) calendar days prior to the confirmation hearing and a redline copy must be sent to chambers. If the amendment is immaterial, or if all affected parties consent, the amended plan may be heard at the confirmation hearing. The amended plan must be served on the United States Trustee and all parties adversely affected by the amendment. Movant must also file a copy of the notice of hearing and certificate of service into the record at least five (5) days prior to the confirmation hearing. Amendments filed less than five (5) days prior to the confirmation hearing may not be considered. Material

amendments without consent must be noticed at least twenty-eight (28) days prior to the hearing on same to all parties adversely affected.

3. In cases under chapters 11, 12, and 13, an amended plan must be titled to indicate whether it is the first or a later amendment.
4. In chapter 13 cases, the debtor is required to serve the proposed plan on all parties listed on the mailing matrix and the trustee. All proposed material amendments must be served upon the parties affected and the trustee at least twenty-eight (28) days prior to the hearing on confirmation.

#### **B. After Confirmation**

1. A motion to modify plan must be filed with any proposed modified plan. The motion must specify the terms being modified, the effect of the modification, and allow for twenty-eight (28) days notice on adversely affected parties.
2. Both the proposed modified plan, the motion to modify plan, and notice of hearing must be served on the trustee and all adversely affected parties. Movant must also file a copy of the notice of hearing and certificate of service into the record.
3. A modified plan must be titled to indicate whether it is the first or a later modification.

See [Local Rule 2002-1](#) and [sample Motion to Modify Confirmed Plan of Reorganization](#).

#### **RULE 3015-3 Payments under Plans of Reorganization in Chapters 12 and 13**

- A. All direct payments to the trustee from debtors must be in the form of a money order, cashier's check, or certified check.
- B. Trustees are authorized to receive indirect payments from debtors through court ordered employer deductions or bank accounts.

#### **RULE 3015-4 Contents of Chapter 12 or 13 Plans of Reorganization**

- A. In addition to the requirements of [11 U.S.C. §§ 1222](#) and [1322](#), a plan must include:
  1. **Payments.** The dollar amount of payments to be made to the trustee, by month;
  2. **Trustee Compensation.** The portion of the plan payment designated as trustee compensation and reimbursement;
  3. **Curing of Default.** If the plan provides for the curing of any default or arrearage, a designation of the default as prepetition or postpetition;

4. **Property Value.** A value for every asset that secures a claim treated in the plan;
  5. **Payment of Claims.** The manner in which every secured claim and class of claims is to be satisfied or paid, including monthly payment amounts, and whether the debtor or the trustee will make payments to the creditor. The plan must provide for payment of the present value of all priority and secured claims as set forth on all proofs of claim of record unless an objection to the proof of claim has been filed and sustained;
  6. **Interest Rate.** The rate of interest to be paid on each secured or priority claim;
  7. **Lien Avoidance.** If the debtor intends to file a complaint to avoid a lien, an unambiguous statement that the debtor proposes to avoid a creditor's lien and the basis alleged for avoidance; the plan may not avoid a lien through confirmation;
  8. **Liquidation Value.** An analysis of the amount available to unsecured creditors if the case were a chapter 7 liquidation (*see* [sample Liquidation Analysis](#));
  9. **Computing Present Value.** A statement of the annual interest or discount rate used to compute the present value of the deferred payments to each class of claims;
  10. **Present Value.** A statement of the present value of the deferred payments to each class of claims;
  11. **Basis For Differing Treatment.** The basis for different payments or treatment of creditors within the same class, if applicable;
  12. **Surrender of Collateral.** A statement that confirmation of the plan will constitute an order granting relief from the automatic stay to allow enforcement of security interest(s) in collateral surrendered pursuant to [11 U.S.C. §1325\(a\)\(5\)\(C\)](#);
  13. **Executory Contracts and Unexpired Leases.** Identification of every executory contract and unexpired lease, and provisions concerning their assumption or rejection;
  14. **Disclosure and Request for Approval of Attorney's Compensation.** A disclosure of the compensation paid or promised to be paid to debtor's counsel, together with a request for a hearing on approval of compensation and reimbursement of expenses at the time of the confirmation hearing; and
  15. **Attorney's Certification.** A certification by debtor's counsel that counsel has explained the debtor's obligations under the plan.
- B.** In chapter 13 cases, if a confirmation affidavit is filed by the debtor's counsel no later than five (5) calendar days prior to the confirmation hearing and there is no objection to confirmation, the court may confirm the proposed plan without the necessity of a hearing. The hearing docket

for confirmations will be published no later than twenty-four (24) hours prior to the hearing.  
*See [sample Pre-confirmation Affidavit](#).*

*See [Local Rule 3015-1](#), [sample Chapter 13 plan](#), [Liquidation Analysis](#), [Pre-confirmation Affidavit](#), and [B22 Reconciliation](#).*

#### **RULE 3016-1    Contents of Chapter 11 Disclosure Statements**

**A.**     All chapter 11 disclosure statements must contain the following:

- 1.**     A description of the classes of claims and the treatment for each. The description of each class should include either the name or a general description of the claimants included in the class, an estimate of the total claims in the class, and the percentage distribution anticipated. Included in this requirement is a description of estimated administrative expenses incurred to date, through confirmation, and the effective date;
- 2.**     The description of secured claims should include an estimate of the secured claim amount, a brief description of the collateral securing the claim and its value, the method of payment including interest rate, amortization rate, the amount and timing of any installment payments, and the term to maturity. A statement that the claim will be paid in accordance with the terms existing on the petition date is insufficient. A statement as to how adequate protection payments, if applicable, must be applied is also required;
- 3.**     Priority claims should be classed based on relative priority with all claims of identical priority combined into one class. An estimate of the total claims in the class should be given along with the rate of interest, amortization, amount and timing of any installments, and maturity date;
- 4.**     If claims are to be paid from funds as available, the timing, minimum distribution amount, and period of distribution should be specified. If payments are to be from net operations, “net cash flow,” or other formulaic method, the method of calculation should be defined in sufficient detail;
- 5.**     All defined terms in the plan should be included in the disclosure statement;
- 6.**     The process, including the deadline, for filing of objections to claims and the procedure regarding distributions on claims with pending objections;
- 7.**     The process for remission of unclaimed funds;
- 8.**     A description of the party or parties responsible for distributions under the plan, their method of compensation, and how professionals retained by them are to be hired and compensated;

9. Third party claims may not be discharged under the terms of a plan except by consent of the claimants affected;
  10. Projected financial information for the life of the plan detailing anticipated income, expenses, and plan payments. Attaching monthly operating reports to the disclosure statement is insufficient;
  11. A liquidation analysis;
  12. Disclosure of management and its compensation and benefits postpetition, the employment of and payments to insiders postpetition, and any anticipated dividends or other distributions to partners, members, or shareholders of the debtor post- petition must be included;
  13. The disclosure statement must contain a description of all pending litigation or unfiled causes of action, as well as a representation as to whether or not the litigation/ causes of action will be pursued, and if not, the reasons why not; and
  14. Any conditions for effectiveness.
- B. Disclaimers of accuracy or responsibility for information contained in a disclosure statement will be considered a failure to provide adequate information concerning the issue disclaimed.
- C. Upon filing a disclosure statement, the proponent must contact chambers to notify the court of the filing and request a hearing date.

#### **RULE 3018-1 Acceptance or Rejection of Plans**

- A. **Certification of Acceptances and Rejections of Chapter 11 Plans.** At least three (3) days prior to the hearing on confirmation, the proponent of a plan must certify in the form required by the Clerk the amount and number of allowed claims of each class accepting or rejecting the plan and the amount of allowed interests of each class accepting or rejecting the plan. The original certification must be filed with the Clerk.
- B. **Ballots.** Unless otherwise ordered, all ballots must be delivered to chambers no later than three (3) days prior to confirmation and will be returned to the plan proponent after tabulation and certification of the ballots and a final order granting or denying confirmation. The tabulation of ballots must be filed electronically.

#### **RULE 3020-1 Order of Confirmation in Chapter 11**

In addition to the provisions of [FRBP 3020](#), the proposed order must include, unless otherwise ordered, a provision for filing of post-confirmation reports every six (6) months.

## **RULE 3022-1 Motion for Final Decree**

- A. The proponent of a confirmed plan must file a motion for final decree within thirty (30) days after completion of all obligations under a confirmed plan. On motion and order, the court may for good cause extend this date. Failure of the plan proponent to file a motion for final decree or a motion for extension of time to file may result in the dismissal, conversion, the ordering of a final decree on the court's own motion, or other appropriate action.
- B. The proponent of a confirmed plan may file a motion for final decree at any time after substantial consummation.

## **PART IV - THE DEBTOR: DUTIES AND BENEFITS**

### **RULE 4001-1 Relief from Automatic Stay**

Unless otherwise ordered by the presiding judge, the following procedures apply to all motions for relief from the automatic stay:

- A. Relief from the automatic stay may be granted without the necessity of a hearing, if the relief requested is unopposed and the movant supplies with its motion:
  - 1. *Prima facie* proof of the existence of the debt in the form of an affidavit of the creditor attesting to:
    - a. The amounts owed and itemized as to principal, accrued interest, and other charges;
    - b. The payment history since the petition date;
    - c. The rate of interest applied and if adjustable, all applicable rates charged since the date of last payment along with the period during which the rate was in effect;
    - d. If the movant is not the obligee shown on the document evidencing the obligation, a chain of title from original obligee to movant;
    - e. A copy of the document evidencing the obligations due as well as the location of the original; and
    - f. The nature of default.
  - 2. A certified copy of the document evidencing the security interest in the property upon which relief from the stay is requested, along with proof of perfection of that interest and any documents evidencing the chain of title from the original obligee to movant.



3. *Prima facie* proof of the value of the collateral upon which relief from the stay is requested. For purposes of this requirement, an affidavit from a person regularly engaged in the valuation of property of a type similar to that involved may be submitted. The affidavit should recite the qualifications of the affiant as well as the method utilized to value the property in question. Other forms of proof may be considered if appropriate, including reliance on the valuation contained in the debtor's schedules.
  4. The motion must contain a short and plain statement of the alleged facts that support grounds for the relief requested. A recitation of the statutory grounds for relief without facts specific to the request is insufficient. This includes, if applicable, any facts to support a claim that sufficient "cause" exists to grant the relief requested.
  5. A certificate of service attesting to the delivery of service of the motion and all attachments must also be filed by counsel to the movant.
- B. If a motion for relief from stay is scheduled for hearing more than thirty (30) days after its filing, the automatic stay is extended until the hearing date.
- C. If relief from stay is granted in a chapter 12 or 13 case, the trustee must discontinue payments under the plan to the secured creditor until a proof of claim for a deficiency or unsecured debt is filed. If a proof of claim for a deficiency is filed, the trustee will make *pro rata* distributions to the creditor from the date of filing forward.
- D. If the debtor and movant reach an agreement on the motion, a joint stipulation evidencing the terms of the agreement must be signed by both parties, filed into the record, and served in compliance with [Local Rule 2002-1](#) and, in cases assigned to Section A, the [Section A Procedures](#).
- E. Provisions in stipulations that the creditor may file an *ex parte* motion upon subsequent default expire one (1) year from the date the order approving the stipulation is signed.

See [sample Motion for Relief from Automatic Stay](#), [Affidavit in Support of Motion for Relief from Stay](#), [Order for Relief from Stay on a Vehicle in a Chapter 7](#), [Order for Relief from Stay in a Chapter 7 \(not a vehicle\)](#), [Order for Relief from Stay on a Vehicle in a Chapter 13](#), [Order for Relief from Stay in a Chapter 13 \(not a vehicle\)](#), [Order Approving Terms of Stipulation](#), and [Local Rule 2002-1](#).

#### **RULE 4001-2 Motions to Extend or Impose Automatic Stay**

- A. In order to obtain an extension of the automatic stay, the debtor must file a motion to extend or impose the automatic stay within seven (7) days of the filing of the petition for relief. The motion and notice of hearing must be served on the trustee and his counsel, the Office of the United States Trustee, and the entire mailing matrix. The debtor must attend the hearing, and the parties must be prepared to present evidence.

- B.** Motions will be considered frivolous unless specific grounds for extension or imposition are set forth in the motion. Recitation of the language contained in [section 362\(c\)\(3\)](#) is insufficient. Motions to extend or impose the automatic stay must contain the following:
1. The case numbers of all prior filings by the debtor and the debtor's spouse;
  2. The distributions made in the prior case(s);
  3. The payments made by the debtor in the prior case(s);
  4. Whether discharge was granted or the case(s) was dismissed;
  5. If the case was dismissed, the date of and reason for dismissal; and
  6. The specific reasons why the stay should be extended or imposed.
- C.** If a debtor has timely filed a motion to extend but must schedule the hearing after the expiration of the thirty (30) day period because there is no available hearing day prior to the expiration, counsel must email chambers a proposed order extending the automatic stay until the court rules on the motion. If a debtor fails to timely request an extension of the stay, the court may, on good cause, extend the stay until the court rules on the motion.
- D.** If the automatic stay terminates because the debtor fails to request an extension or the automatic stay was never imposed, upon *ex parte* motion of a party in interest detailing the case number and dismissal dates of the debtor's previous case(s), the court may enter an order confirming the lack of an automatic stay.

See [Local Rule 2002-1\(E\)](#).

#### **RULE 4001-3 Use of Cash Collateral and Obtaining Credit**

- A.** Upon the filing of a motion for use of cash collateral or for obtaining credit, the movant must contact chambers for a hearing date. The movant must serve the motion and notice of hearing upon the entire mailing matrix. If an emergency hearing is held on less than twenty-one (21) days notice, the court may enter an interim order and schedule a final hearing on the matter. Interim relief will be granted only when necessary to avoid immediate and irreparable harm to the estate pending a final hearing.
- B.** All motions for use of cash collateral or for obtaining credit must provide a summary of the essential terms (*e.g.* the interim and final borrowing limits, conditions, interest rate, maturity, events of default, limitations on use of funds, and protections afforded).

- C. If applicable, all motions for use of cash collateral and for obtaining credit must include an explanation as to how the terms of the proposed relief differ from the terms of credit existing under the prepetition relationship. The motion must also include a detailed description of the terms of relief and highlight any provision which might prohibit or hamper the debtor, debtor's counsel, official committee, or the trustee from exercising their fiduciary responsibilities following the entry of the order. The motion must not request approval of any provision that limits the power of the court or the exercise of its judgment.
- D. Motions for use of cash collateral and for obtaining credit and their proposed orders must highlight the following provisions:
1. Cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors;
  2. Findings of fact that bind the estate or other parties in interest with respect to the validity, perfection or amount of the secured creditor's prepetition lien or the waiver of claims against the secured creditor without first giving parties in interest at least seventy-five (75) days from entry of the order, and the creditors' committee at least sixty (60) days from the date of its formation, to investigate such matters;
  3. Waiver of estate rights;
  4. Grants to a prepetition secured creditor liens on the debtor's claims and causes of action arising under [11 U.S.C. §§ 544, 545, 547, 548, and 549](#);
  5. Declarations that deem prepetition secured debt to be postpetition debt or that use postpetition loans from a prepetition secured creditor to pay part or all of that secured creditor's prepetition debt, other than as provided in [11 U.S.C. § 552\(b\)](#); and
  6. Priming of any lien without the consent of that lienor.
- E. After the court rules on the motion for approval of use of cash collateral or for obtaining credit, the movant must submit a proposed order. The proposed order or interim order must not incorporate loan documents by reference but must contain the salient terms of the relief.

See [Local Rule 2002-1](#) and [sample Motions for Authority to Borrow Funds, Motion for Authority to Use Funds, and Motion for Authority to Refinance Secured Debt](#).

#### **RULE 4001-4 *Ex Parte* Motions for Relief from Automatic Stay**

*Ex parte* motions for relief from the automatic stay will be considered if the parties have agreed in a stipulation previously approved by the court that the stay may be lifted *ex parte* upon the debtor's default and other conditions specified. The motion must attach an affidavit by the creditor attesting to the debtor's default and the circumstances of that default. The creditor must also attach proof that it

gave the debtor and debtor's counsel at least ten (10) days written notice of default before filing the motion or the reason notice was not given. Provisions in stipulations that the creditor may file an *ex parte* motion upon default expire one (1) year from the date of the order approving the stipulation.

#### **RULE 4002-1 Duties of Debtor and Trustee**

In addition to the duties prescribed by the Bankruptcy Code and the FRBP, the trustee and debtor must do the following:

##### **A. Duties of Chapter 13 Debtor**

1. The debtor must provide all tax refunds to the trustee within five (5) days of receipt. The debtor must move the court for use of the funds within twenty-one (21) days of receipt of the funds by the chapter 13 trustee if the debtor wishes to receive any portion of the tax refund.
2. When a claim is bifurcated (partially secured and partially unsecured), the amount that is secured and the amount of the claim that is unsecured must be listed separately in the schedules and plan.
3. Debtor must report any change of income to the trustee.
4. If the plan is not filed with the petition, debtor's counsel must serve the plan on the entire mailing matrix when the plan is filed.
5. The United States Trustee will schedule a date and time for the meeting of creditors pursuant to [section 341](#) within forty-eight (48) hours after the bankruptcy petition is filed. If the plan is not filed with the petition, the debtor must serve a copy of the entire plan on the mailing matrix at least twenty-eight (28) days prior to the confirmation hearing. Notwithstanding the above, the proposed plan must be filed and served on the chapter 13 trustee at least fourteen (14) days prior to the section 341 meeting.
6. The debtor must promptly file with the Clerk written notice of any change of mailing address until the case is closed.

##### **B. Duties of Chapter 13 Trustee**

1. The chapter 13 trustee must object to debtor's counsel's compensation if:
  - a. Services are not properly rendered;

- b. [Form 2016](#) does not comply with the General Order governing chapter 13 attorney fees and separate application for employment and compensation has not been made by counsel; or
  - c. Compensation is requested in advance as a condition of future services beyond that allowed by General Order;
2. The chapter 13 trustee must object to confirmation if:
  - a. The plan does not commit the debtor's entire disposable income as properly calculated by schedules I & J for debtors with current monthly income below defined median income levels provided by [Official Form B22](#);
  - b. The plan does not commit the debtor's entire disposable income as properly calculated and adjusted for the terms of the debtor's proposed plan and statement of intention or by [Official Form B22](#) for debtors with current monthly income above defined median income levels and, in the trustee's opinion, the discrepancy is not properly explained and documented as a change in circumstance;
  - c. The plan does not distribute, on behalf of unsecured claimants, an amount equal to or exceeding the present value of the amounts available if the case were to proceed to liquidation;
  - d. The plan does not commit the debtor's disposable income for the applicable commitment period (thirty-six (36) months for debtors below the median income and sixty (60) months for debtors above the median income debtors);
  - e. The plan provides for unequal or disparate treatment among creditors of equal rank and priority;
  - f. The plan does not provide payments in sufficient amount to satisfy allowed secured, administrative or priority claims in full unless the holder agrees to different treatment or in the case of a [section 507\(a\)\(1\)\(B\)](#) claim, the debtor has committed sixty (60) months of disposable income under the plan;
  - g. The plan proposes to pay professionals in an amount not authorized by the court;
  - h. The plan does not commit sufficient disposable income because unnecessary expenses are included;
  - i. The plan does not commit, for the satisfaction of allowed claims, all future earnings and property of the debtor during the life of the plan;

- j. The plan is not proposed in good faith or is proposed by a means forbidden by law;
  - k. Debtor has failed to submit pay advices for the six (6) months preceding filing, tax returns for the tax year preceding filing, a certification that tax returns for all years proceeding filing have been filed, or information regarding domestic support obligations;
  - l. Debtor has not fully disclosed or has failed to deliver information reasonably necessary for trustee to verify debtor's property, income, and expenses, as well as claims against the estate;
  - m. The plan proposes to release liens of secured claimants prior to payment of the allowed secured claim in full;
  - n. The debtor has not fully paid amounts accruing post petition under a domestic support obligation; or
  - o. Debtor has not filed all applicable federal, state, and local tax returns due as of the date of confirmation.
3. The chapter 13 trustee must object to claims if:
- a. The claim has been filed after the last date for filing timely claims set by the court;
  - b. The claim is defective on its face (*i.e.* not owed by the debtor), prescribed, or the amounts claimed are not due as a result of prior payment by the trustee in a preceding case; or
  - c. The claimant asserts secured, priority, or administrative status and is not entitled to the classification claimed.
4. The trustee must verify, to the extent reasonable, all property of the estate; debtor's income and expenses; and secured, priority, and administrative claims against the estate.
5. The trustee must liquidate for the benefit of claimants, all property not otherwise vested in debtor at the time of confirmation or acquired thereafter unless the present value of payments under the plan equal or exceed the liquidated value of all property existing at the time of confirmation or acquired thereafter and available for distribution to unsecured claimants.

6. The trustee must file notice of intent to pay claims as soon as practicable after the expiration of the last day for filing claims. Notice must be served on the debtor, debtor's counsel, and all parties listed on the mailing matrix.

## **C. Duties of Chapter 11 Debtor-in-Possession**

In addition to those duties contained in an order of this court, the Bankruptcy Code or FRBP:

### **1. Budget**

- a. Within seven (7) days of the filing of the petition for relief, individual chapter 11 debtors must provide a proposed budget reflecting monthly income and expenses to the United States Trustee. The United States Trustee must file into the record a notice of approval attaching the debtor's budget within thirty (30) days of the petition date. If agreement cannot be reached, the debtor must request approval of a budget by motion filed within thirty-seven (37) days of the petition for relief. *See* [Local Rule 2002-1\(A\)\(2\)\(c\)](#).
- b. The motion for approval will be heard on an expedited basis. Debtor must call chambers for a hearing date. At a minimum, notice must be served on the United States Trustee, secured and priority creditors, and twenty (20) largest unsecured creditors or the official unsecured creditors' committee, if appointed. *See* [Local Rule 9013-1\(C\)](#) and [\(E\)](#).

### **2. Payment to Insiders**

- a. A chapter 11 debtor-in-possession must not compensate any present or former insider within the meaning of [11 U.S.C. §101\(31\)](#) from estate assets without prior court approval. *See* [Local Rule 2002-1\(A\)\(2\)\(h\)](#).
- b. Any motion to compensate any present or former insider must recite:
  - i. The necessity for retaining the insider;
  - ii. The services that the insider will perform on behalf of the estate;
  - iii. The amount (including any benefits) that the debtor proposed to pay to the insider, and the terms and conditions of the employment or other undertaking;
  - iv. All compensation, benefits, and other payments that the insider has received from the debtor in the six (6) months prior to the petition; and
  - v. The insider's salary at the date of the petition.

3. The debtor must promptly file with the Clerk written notice of any change of mailing address until the case is closed.

#### **D. Duties of Debtor's Counsel in Chapter 7 Cases**

As a condition of employment, the representation by counsel of a chapter 7 debtor must include, but is not limited to:

1. Preparation of prepetition schedules, statement of financial affairs, and all required documents or pleadings;
2. Attendance at the section 341(a) meeting;
3. Representing debtor in connection with any documents or amendments to pleadings required by the trustee, if applicable;
4. Representing debtor in connection with objection to proofs of claim, exemptions, reaffirmations, and surrender;
5. Counsel with the debtor(s) on an as needed basis until the case is closed;
6. Prepare and file miscellaneous motions required to protect the debtor(s)' interests in the case;
7. Prepare and file responses to motions filed against debtor(s) – even if the response is a statement that the debtor(s) have no opposition to the relief requested and attend the scheduled hearing, if requested by the court; and
8. Advise the debtor(s) concerning their obligations and duties pursuant to the Bankruptcy Code, FRBP, and applicable court orders.
9. Promptly file with the Clerk written notice of any change of debtors' mailing address until the case is closed.

*See* [General Order 2011-1](#).

#### **RULE 4007-1 Hardship Discharge**

Upon filing of a motion for hardship discharge, the debtor must notify chambers and request a hearing date. No hearing will be held prior to the deadline set by the court pursuant to [FRBP 4007\(d\)](#). *See* [Local Rule 2002-1\(E\)](#).



## **RULE 4008-1 Reaffirmation Agreements**

- A. Reaffirmation agreements must be scheduled and noticed for hearing pursuant to [Local Rule 9013-1](#) in the following instances:
1. The debtor is *pro se*;
  2. The debtor is not represented by counsel in connection with the reaffirmation agreement; or
  3. A presumption of hardship exists.
- B. Hearings on reaffirmation agreements must be attended by the debtor, the creditor's representative, and the debtor's counsel of record in the case. All counsel retained to represent debtors in chapter 7, 12, or 13 cases must include in their representation, advice with regard to reaffirmation of debt.

## **PART V. COURTS AND CLERKS**

### **RULE 5001-1 Photography, Recording Devices, and Broadcasting**

The taking of photographs or recordings in the courtroom or its environs or radio or television broadcasting from the courtroom or its environs during the progress of or in connection with judicial proceedings, whether or not court is actually in session, is prohibited. All such devices must be turned off in any courtroom and may not be used in any manner that disrupts or interferes with any judicial proceeding or violates [Federal Rule of Evidence 615](#). Use of any device to record, transmit, or photograph court proceedings is prohibited. As used in these rules, the term "environs" means any place immediately adjacent to or within any United States Courthouse.

### **RULE 5005-1 Filing Requirements**

All documents must be filed with the Clerk in the manner provided in the [Administrative Procedures Manual](#).

## **PART VII - ADVERSARY PROCEEDINGS**

### **RULE 7004-1 Summons**

Summons will be issued according to the [Administrative Procedures Manual](#). The plaintiff or third-party plaintiff is responsible for serving the summons and complaint. If the plaintiff or third-party plaintiff does not serve the summons within the time specified under [FRBP 7004\(e\)](#), or any extension thereof, the court may dismiss the complaint as to the party upon whom service has not been made for failure to prosecute timely the action.

## **RULE 7007-1 Motion for Extension of Time to Plead**

Upon certification by a moving party that there has been no previous extension of time to plead and that the opposing party has not filed an objection to an extension of time, then by an *ex parte* motion and order, the court will allow one extension for a period of twenty-one (21) days from the time the pleading would otherwise be due. Further extensions will not be granted by stipulation, but only by motion to the court and for good cause shown.

## **RULE 7016-1 Answers/Pretrial Conferences**

- A. When all answers have been filed, a pretrial conference will be set by the court. This will be the only pretrial conference unless otherwise ordered by the court.
- B. The pretrial conference must be attended by all counsel enrolled or planning to enroll in the case. The attorney attending for a firm should be the attorney who intends to be trial counsel. If a party is not represented by counsel, the party must attend. All who attend must bring their calendars in order to set pretrial deadlines and trial dates. Failure to attend or bring calendars may result in sanctions or other appropriate action.
- C. Telephonic participation is allowed under the procedures set forth in the [Section A Procedures](#) and [Section B Procedures](#).
- D. **Motions to Continue Trials**
  - 1. Trial continuances must be requested by written motion and may be granted without a hearing. Because all trials in adversary proceedings are fixed only on an agreed date, motions to continue trials are discouraged and will only be granted when compelling reasons are shown. For this reason, no party should assume a continuance will be granted, even on joint motion by all parties.
  - 2. The motion must state whether opposing counsel and parties entitled to notice have an objection or, if the opposing parties have not been contacted, the reasons why contact has not been made.
  - 3. Every motion for continuance based on the absence of a material witness must be accompanied by an affidavit that sets forth the efforts made to procure attendance and the facts expected to be proven by the witness.

## **RULE 7023-1 Class Action**

[Local Rule 23.1](#) of the U. S. District Court for the Eastern District of Louisiana applies to class actions filed in this court.

## **RULE 7026-1    Discovery**

- A.**    No motion relative to discovery, including motions for protective orders, may be filed unless accompanied by a certificate of counsel for the moving party stating that counsel have conferred in person or by telephone in a good faith effort to resolve amicably the issues without court intervention or stating that opposing counsel has refused to so confer after reasonable notice. Counsel for the moving party must arrange the conference. If the court finds that opposing counsel has willfully refused to meet and confer, or, having met, willfully refused or failed to confer in good faith, the court may impose such sanctions as it deems proper.
- B.**    The scope and timing of disclosures under [FRBP 7026](#) adopting [FRCP 26](#) will be as directed by the court in the minute entry or order issued after the pretrial conference.

## **RULE 7030-1    Depositions Upon Oral Examination**

- A.**    Unless otherwise ordered by the court or agreed by the parties, “reasonable notice” for the taking of depositions must not be less than fourteen (14) days. This rule does not abrogate any requirement in the FRCP or FRBP.
- B.**    The following must be allowed to participate in depositions: (1) the deponent, (2) counsel for any party to the adversary proceeding and members and employees of their firms, (3) a party who is a natural person, (4) an officer or employee of a party who is not a natural person designated as its representative by its counsel, (5) counsel for the deponent, (6) any consultant or expert designated by counsel for any party, (7) the United States Trustee, (8) counsel for any trustee, (9) counsel for the debtor, (10) counsel for any official committee, and (11) counsel for any party providing postpetition financing to the debtor under [11 U.S.C. §§ 363](#) or [364](#).

## **RULE 7033-1    Interrogatories**

- A.**    Any party desiring to serve more than the twenty-five (25) interrogatories permitted by [FRBP 7033](#) adopting [FRCP 33\(a\)](#) must file a written motion setting forth the proposed additional interrogatories and the reasons establishing good cause for their use. Leave to serve additional interrogatories will be granted to the extent consistent with the principles of [FRCP 26\(b\)\(2\)](#).
- B.**    Objections to interrogatories, and objections to the answers thereto, must set forth in full, immediately preceding each answer or objection, the interrogatory or answer to which objection is being made.

#### **RULE 7036-1    Objections to Requests for Admission**

Objections to requests for admission, and objections to the responses thereto, must set forth in full, immediately preceding each response or objection, the request or response to which objection is being made.

#### **RULE 7037-1    Discovery Disputes**

The court may set special procedures for handling discovery disputes. *See* [Section A Procedures](#).

#### **RULE 7040-1    Trials**

- A.    Upon first addressing the court at a trial or hearing, counsel must announce his/her name and the name of the party or parties he/she represents.
- B.    Except with leave of court, only one (1) counsel for each separate interest may conduct the examination of any one (1) witness or present argument or urge objections with respect to the testimony of that witness.
- C.    Before referring to, using, or offering in evidence any exhibit, counsel must mark it for identification.
- D.    Unless otherwise ordered by the presiding judge, within seven (7) days of the conclusion of an evidentiary trial or hearing counsel must jointly submit in an electronic format, all documentary exhibits introduced at trial.
- E.    Telephonic participation at trial or hearing may be allowed under the procedures set forth in the [Section A Procedures](#) and [Section B Procedures](#).

#### **RULE 7041-1    Dismissal of Objection to Discharge**

A motion for the voluntary dismissal of a complaint containing an objection to a debtor's discharge pursuant to [11 U.S.C. § 727](#), or a stipulation between the parties for the dismissal of such a complaint, must be scheduled for hearing and served in the main bankruptcy case upon the United States Trustee, the trustee and, unless otherwise ordered by the court, all creditors and other parties in interest. The motion or stipulation and notice thereof must contain a recital concerning the consideration, if any, for the dismissal, the terms and conditions of any agreement concerning the dismissal, and notice of the right of all interested parties to object or to continue prosecution. *See* [Local Rule 2002-1\(E\)](#).

#### **RULE 7054-1    Costs**

Within thirty (30) days after receiving notice of entry of judgment, unless otherwise ordered by the court, the party in whose favor judgment is rendered and who claims costs must serve on the attorney for the adverse party and file with the Clerk a notice of application to have the costs taxed, together with

a memorandum signed by the attorney of record stating that the items are correct and that the costs have been necessarily incurred.

#### **RULE 7055-1 Default Judgments**

- A. If the defendant has failed to file a timely answer, the plaintiff must request that the Clerk enter default within fourteen (14) days after the answer deadline. If the plaintiff fails to request entry of default, the court may dismiss the adversary proceeding.
- B. The plaintiff must file a Motion for Default Judgment within fourteen (14) days after the Clerk's entry of default. If the plaintiff fails to do so, the court may dismiss the adversary proceeding.
- C. Motions for default judgment must be set for hearing on twenty-one (21) days notice and served on the party to be defaulted.

#### **RULE 7056-1 Summary Judgment**

- A. Every motion for summary judgment must be accompanied by a separate, short, and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried. The statement should not repeat the pleadings or contain argument or conclusions. All material facts in the statement will be deemed admitted for purposes of the motion unless controverted.
- B. The opposition to a motion for summary judgment must include a separate, short, and concise statement of the material facts as to which there exists a genuine issue to be tried.

See [Section A Procedures](#).

#### **RULE 7062-1 Supersedeas Bond**

A supersedeas bond staying execution of a money judgment must be in the amount of the judgment plus twenty percent (20%) of the amount to cover interest, costs, and any award of damages for delay, unless the court directs otherwise.

#### **RULE 7067-1 Deposit in Court**

- A. **Receipt and Deposit of Registry of Funds.** Funds will be deposited into the registry of the Court upon court order. Funds received in the registry of the Court will be deposited with the Court's designated depository into an interest bearing account at ordinary passbook rates. The court may, upon motion of an interested party, instruct the Clerk to withdraw all or a portion of the funds deposited and to reinvest the funds in an alternative interest bearing account for a higher return of interest.

- B. Form of Order for Alternative Investment of Funds.** A proposed order to invest registry funds other than with the Court's designated depository must include the following:
1. The amount to be invested;
  2. The type of investment;
  3. That it will be made at the prevailing rate of interest;
  4. The name of the institution, if other than the court's designated depository; and
  5. The length of time the funds are to be invested and whether the investment is to be automatically rolled over at maturity.
- C. Presenting Proposed Orders to the Clerk for Alternative Investment of Funds.** All proposed orders pertaining to the investment of registry funds must first be presented to the Clerk to assure that the proposed orders comply with the United States Treasury regulations governing deposit of registry funds. No order may be presented to a judge of this Court without the Clerk's certificate of compliance. All signed orders involving registry funds must be provided to the financial deputy clerk. In addition, the failure to deliver signed orders to the financial deputy clerk relieves the Clerk of any personal liability relative to compliance with the orders.
- D. Motions to Disburse Registry Funds.** Funds will be disbursed from the registry of the Court only upon order of the court. A motion for disbursement of registry funds must be submitted to the financial deputy clerk for certification of the principal amount of the funds held in the registry in a particular case before the motion is presented to the judge. Each motion must be accompanied by a proposed order that contains substantially the following language: "The Clerk of Court is authorized and directed to draw a check(s) on the funds on deposit in the registry of the court in the principal amount of \$ , plus all interest earned, less the assessment fee for the administration of funds (*or state other instruction regarding interest*), payable to (*name and address of payee*), and to mail or deliver the check(s) to (*payee or attorney*) at (*full address with zip code*)."  
A motion for disbursement of registry funds must include the following:
1. The principal sum initially deposited;
  2. The amount of principal funds to be disbursed;
  3. To whom the disbursement is to be made;
  4. Specific instructions regarding distribution of accrued interest; and

5. If more than one check is to be issued on a single order, the portion of principal due each payee stated separately.
- E. **Disbursement of Registry Funds.** On all checks drawn by the Clerk on registry funds, the name of the payee must be written as that name appears in the court's order providing for disbursement. Counsel must also provide an IRS Form W-9, which includes the social security number or tax identification number for each payee, and complete mailing or delivery instructions for each payee. The IRS Form W-9 must be submitted to the financial deputy Clerk and should not be filed into the record. Unless otherwise ordered, the Clerk will issue disbursements as soon after receipt of the order as the regular business practices of the Clerk's office permits, but not before the fourteen (14) day appeal period has run. It is the responsibility of the moving party to verify that the funds have been paid within a reasonable time.

## **PART IX - GENERAL PROVISIONS**

### **RULE 9001-1 Definitions**

In addition to the definitions found in [FRBP 9001](#) and the rules of construction in [11 U.S.C. §102](#), the following definitions and rules of construction apply when interpreting these Local Rules:

- A. *Administrative Order* means an order issued by the Court affecting an individual person or entity, or a limited number of persons or entities, appearing before the Court.
- B. *Administrative Procedures Manual* means a set of procedures established by the Clerk and the Judges of the United States Bankruptcy Court for the Eastern District of Louisiana, as they may be amended from time to time.
- C. *Bankruptcy Code* means Title 11 of the United States Code.
- D. *Clerk* means the Clerk of Court for the United States Bankruptcy Court for the Eastern District of Louisiana.
- E. *CM/ECF* means Case Management/Electronic Case Filing System.
- F. *Court* means both section A and section B of the United States Bankruptcy Court for the Eastern District of Louisiana.
- G. *court* means either section A or section B of the United States Bankruptcy Court for the Eastern District of Louisiana.
- H. *Electronic Filer* means a person who has a CM/ECF password.
- I. *FRBP* means Federal Rules of Bankruptcy Procedure as amended.

- J. *FRCP* means Federal Rules of Civil Procedure as amended.
- K. *General Order* means an order issued by the Court affecting all who appear before the Court.
- L. *Local Rules* means these Local Rules for the United States Bankruptcy Court for the Eastern District of Louisiana as amended.
- M. *Standing Order* means an order issued by a court to be followed by those appearing before a section or division of the Court.
- N. *Section* or *section* means a specific section of Title 11 of the United States Code.

#### **RULE 9011-1 Duties of Attorneys**

- A. **Signing of Pleadings, Motions, and Other Papers.** Every pleading, motion, or other paper prepared by an attorney for filing must, in accordance with the Bankruptcy Rules, be signed personally by counsel in his/her individual name. In addition, counsel's name, mailing *and* street addresses, telephone number, and attorney identification number must be typed or printed under the signature. If the attorney is admitted to the bar by the Supreme Court of Louisiana, the attorney identification number is the same as the number assigned by the Supreme Court of Louisiana. Otherwise, the attorney should list the identification number of the state where the attorney is admitted to practice. Documents filed by a party not represented by counsel must be signed by the party. The party's name, mailing and street addresses, and telephone number must be typed or clearly printed. Each attorney and *pro se* litigant has a continuing obligation to apprise the court of any change of address or telephone number until the case is closed.
- B. **Signature on Documents; Retention of Original Documents**
  - 1. Documents requiring the signature of the debtor(s), such as petitions, lists, schedules, statements, etc., must be filed electronically and must indicate a signature (*e.g.*, “/s/ John Doe”). Amendments, pleadings, affidavits, and other documents that contain original signatures or that require verification under [FRBP 1008](#) or an unsworn declaration as provided in [28 U.S.C. § 1746](#) must be filed electronically and must indicate a signature (*e.g.*, “/s/ John Doe”).
  - 2. The original signed document must be retained by the attorney of record or the party originating the document for a period of not less than five (5) years after the case is closed. Upon request, the original document must be provided to other parties or the court for review.



3. Use of an attorney's electronic filing login and password constitutes:
  - a. The attorney's acknowledgment and agreement that the attorney's electronic signature on any document filed through the use of the attorney's electronic password is the original signature of the attorney to whom the password was issued for all purposes under [FRBP 9011](#) and other applicable law; and
  - b. The attorney's agreement to be subject to all requirements in the [Application for Attorney Password for Electronic Case Filing System](#) and these Local Rules.
- C. **Rules of Conduct.** The [Louisiana Rules of Professional Conduct](#), except as otherwise provided by a specific rule or General Order, are incorporated and adopted. All counsel appearing before the Court are expected to be familiar with the Louisiana Rules of Professional Conduct and abide by their terms.

See [Local Rule 1008-1](#).

#### **RULE 9013-1 Motions**

- A. **Motions in Writing.** All motions (except those made during a hearing or trial), applications, and requests for an order from the court must be made in writing and must be filed with the Clerk according to the [Administrative Procedures Manual](#). Motions will not be accepted by telephone or facsimile.
- B. **Twenty-One (21) Day Notice.** A party filing a motion that requires a hearing must, at the time of filing, set the motion for hearing no earlier than the first motion day that is at least twenty-one (21) days after the motion is noticed for hearing, except as otherwise specifically provided by the FRBP or ordered by the court.
- C. **Expedited Hearing.** Any party requesting an expedited hearing must contact chambers. See [Local Rules 2014-1\(B\)](#), [2004-1\(B\)](#), [4002-1\(D\)](#), and [9013-1\(E\)](#).
- D. ***Ex parte* Motions.** Unless otherwise ordered by the court, *ex parte* motions must be served upon and in the manner provided as those requiring hearing. The motions listed below may be submitted *ex parte*. For any motion other than those listed, a separate motion requesting *ex parte* consideration must be made. The motion must state whether consent to *ex parte* relief has been obtained from all interested parties, and if not, which parties have not consented to the relief.
  1. Motion to substitute counsel;
  2. Motion for interim appointment or withdrawal as counsel (see [Local Rule 2014-1](#));
  3. Motion for interim appointment of a professional;

4. Motion for approval of administrative fees and expenses totaling less than \$1,000.00 (*see* [Local Rule 2014-2 and 2016-1](#));
5. Motion to amend or extend time to file schedules, statement of financial affairs, or other pleadings (*see* [Local Rule 1009-1](#));
6. Motion to continue or reset hearing (*see* [Local Rule 9014-1](#));
7. Motion by plaintiff to dismiss adversary proceeding, except those filed pursuant to [section 727](#);
8. Motion to withdraw a pleading, except as provided in [FRBP 3006](#);
9. A debtor's motion to convert a case filed under chapter 7 to one under chapter 13 or to convert a case filed under chapter 13 to one under chapter 7, which has not been previously converted under sections 1112, 1208, or 1308 (*see* [Local Rule 1017-1](#));
10. Motion to dismiss a chapter 13 case (*see* [Local Rule 1017-1](#));
11. Motion for expedited hearing (*see* [Local Rule 2014-1\(B\)](#), [2004-1\(B\)](#), [4002-1\(D\)](#), [9013-1\(C\)](#) and [\(D\)](#));
12. Motion to reopen a case by a trustee or debtor;
13. Motion to file a late objection or response;
14. Motion for order confirming absence of automatic stay (*see* [Local Rule 4001-2](#));
15. Motion for relief from the automatic stay if *ex parte* relief has been authorized by prior court order (*see* [Local Rule 4001-4](#)); and
16. Motion for 2004 examination (*see* [Local Rule 2004-1](#)).

**E. Objections and Responses.** Objections and responses to motions that are noticed for hearing must be filed no later than seven (7) calendar days prior to the hearing, unless the court orders otherwise. If a party wishes to file a pleading within seven (7) days of the hearing, it must file a motion for leave to file a late objection or response and notify chambers. Otherwise, in the court's discretion, the late filing may be stricken without notice. Any party opposing an *ex parte* or expedited motion must contact chambers. *See* [Local Rule 2014-1\(B\)](#), [2004-1\(B\)](#), [4002-1\(D\)](#), [9013-1\(C\)](#).

**F. Matters Heard on Motion Day.** Each judge will designate specific days each month as motion days. Motion days will be the day on which hearing on all motions, applications, and

other forms of routine relief will be held. Unopposed matters may be granted without hearing if the court finds the relief requested to be well founded based on properly filed and supported pleadings. The court will publish a hearing docket prior to motion day with all matters to be considered. Appearances by movant and opponent, if any, are required for all hearings unless otherwise ordered by the court. The chapter 13 and 12 standing trustees are required to attend all matters upon which a hearing is held in their related chapters. Scheduled hearings on matters omitted from the court's hearing docket will be disposed of without the necessity of hearing and the parties notified of its disposition by minute entry.

- G. Matters Requiring Special Setting.** Matters which are not considered routine, and therefore may not be heard on motion day, include, but are not limited to, applications to approve disclosure statements, plan confirmations in chapter 11, and matters requiring (1) the presentation of evidence or (2) oral argument exceeding twenty (20) minutes. Generally, non-routine matters will include the presentation of oral testimony or other evidence, except by affidavit submitted into the record at least seven (7) days prior to hearing. Non-routine matters must be scheduled for hearing by contacting chambers. Each judge may specify the additional limitations or requirements for scheduling requests for relief on motion day by administrative procedures set forth in the [Administrative Procedures Manual](#). The court on its own motion may reschedule a hearing on any matter to a date and time that will not delay other matters on a motion day docket.

#### **RULE 9013-2 Briefs and Memoranda of Law**

Motions, objections, and responses must include authorities in support of the motion, which may be either incorporated in the pleading or set forth in a separate memorandum served on all interested parties and filed contemporaneously with the pleading.

#### **RULE 9013-3 Contents of Orders and Judgments**

- A.** Proposed judgments and orders must be submitted to chambers pursuant to the [Administrative Procedures Manual](#).
- B.** The contents of submitted orders and judgments must comply with the following:
- 1.** The relief ordered must be specific, and should not contain a general award of relief by referring to the pleading upon which it is entered;
  - 2.** The portion of the order/judgment that grants relief should not refer to any other document or pleading, unless necessary to the relief, in which case the document or pleading should be attached to the order or judgment;
  - 3.** Defined terms should not be used in an order or judgment unless the definition is also contained in the order or judgment;

4. Orders and judgments should not waive the delays for appeal unless specifically authorized by the court in its oral ruling or minute entry; and
5. Orders on motions for relief from the automatic stay must include a description of the property upon which relief is granted and should not contain a provision for abandonment of the property unless specifically authorized by the court in its oral ruling or minute entry.

## **RULE 9014-1 Contested Matters**

### **A. Motions to Continue**

1. Motions to continue may be filed *ex parte*. They must be filed no later than seven (7) days prior to the hearing date and served on all interested parties.
2. Motions to continue trials are discouraged and will only be granted when compelling reasons are shown. For this reason, no party should assume a continuance will be granted, even on joint motion by all parties.
3. The motion must state whether opposing counsel and parties entitled to notice do or do not have an objection or, if the opposing parties have not been contacted, the reasons why contact has not been made.
4. Every motion for continuance based on the absence of a material witness must be accompanied by an affidavit that sets forth the efforts made to procure attendance and the facts expected to be proven by the witness.

### **B. Hearings**

1. Upon first addressing the court at a trial or hearing, counsel must announce his/her name and the name of the party or parties he/she represents.
2. Except with leave of court, only one (1) counsel for each separate interest may conduct a) the examination of or urge objections with respect to the testimony of any one (1) witness; or b) present argument.
3. Telephonic participation at trial or hearing may be allowed under the procedures set forth in the [Section A Procedures](#) and [Section B Procedures](#).

## **RULE 9015-1 Jury Trials**

Jury trials are not held in this Court.

### **RULE 9016-1 Subpoenas**

It is the duty of counsel issuing a subpoena to notify the person subpoenaed if his/her attendance will not be required in time to prevent the witness from making a needless trip. Counsel failing to comply with this rule may be subject to appropriate sanctions.

### **RULE 9017-1 Evidence**

- A.** Before referring to, using, or offering in evidence any exhibit, counsel must mark it for identification.
- B.** Unless otherwise ordered by the presiding judge, within seven (7) days after the conclusion of an evidentiary hearing or trial, counsel must jointly submit in an electronic format, all documentary exhibits introduced at trial.
- C.** All exhibits admitted into evidence must be retrieved from the court within thirty (30) days of the final disposition of the case or adversary proceeding. If the party who offered the exhibit fails to retrieve them within thirty (30) days, the exhibits may be destroyed or otherwise disposed of by the Clerk.

### **RULE 9019-1 Settlements**

- A.** As officers of the court, counsel have a responsibility to conduct serious settlement discussions in time to avoid unnecessary expense and the waste of time by attorneys, witnesses, and the court.
- B.** When a case is settled or otherwise disposed of, counsel must immediately notify the court and all persons subpoenaed as witnesses. If the settlement is not a full settlement as to all parties and all claims, counsel must also notify the court as to the remaining parties and unsettled claims.

### **RULE 9037-1 Privacy**

All filings must be redacted according to [FRBP 9037](#) and the [Administrative Procedures Manual](#).

## LIST OF LOCAL FORMS, SAMPLE MOTIONS, AND SAMPLE ORDERS

Declaration Regarding Electronic Filing. ....	3, 4
Application for Attorney Password for Electronic Case Filing. ....	18, 44
Ex Parte Application for Compensation in a Chapter 13. ....	19
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B22 Reconciliation. ....	22, 25
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